

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1763 OF 2012

Meerabai Rajendra Kundkar

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...

Mr.D.R. Jaybhar Advocate h/f. Mr. C.M. Kajale
Advocate for Petitioner.

Mr.B.V. Virdhe, A.G.P. for Resp. Nos. 1 to 3.

...

**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 18TH MARCH, 2016

ORDER :

1. We have heard Mr. Jaybhar learned counsel
for the Petitioner and learned A.G.P. for
Respondents.

2. Affidavit in reply is filed by Sub
Divisional Officer, Beed, which states as under:

"4. I say and submit that, according to the above procedure dt. 22.11.2012, the land of the petitioner was acquired for the purpose of percolation tank at village Bhatepuri Tq.Georai, Dist.Beed. The file No. being 2015/LNQ/SR/41/03. As per new Act i.e. Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the proceeding u/s. 23 to 30 Prarup Award was prepared. On 12.10.2015 the Sub Divisional Officer Beed has issued a letter to the Executive Engineer, Minor Irrigation (Local Sector), Beed, by the said letter, the Sub Divisional Officer, called the instructions / reply about the rate of the acquired land and their present necessity of the said acquired land. On 19.10.2015 the acquiring body has submitted reply against the letter dated 12.10.2015 to this respondent stating therein that the land holder of acquired land do not agree for the construction of percolation tank and they opposed the said work and to the

extent of 0.57 R land was damaged. Copy of letter dt. 12.10.2015 with copy of reply of Executive Engineer Minor Irrigation Beed annexed herewith and marked as **EXHIBIT R-2** collectively.

5. I say and submit that as suggested by acquiring body a letter to Deputy Superintendent of Land Record, Georai has been issued by this respondent for revised joint measurement. Copy of letter annexed herewith and marked as **EXHIBIT R-3**.

6. I say and submit that the acquiring body has submitted report to this office on dated 19.10.2015 in which it is mentioned that due to percolation tank land of farmers got damaged to the extent of 0.57 R. It is further mention that to know the exact area of each farmer from the damage land a revised joint measurement is necessary and there after further proceeding can be started. Therefore, after the report of revised joint measurement, then the present Respondent will be proceed for further

action."

3. In light of the above, the Respondents have stated that on receiving report of the joint measurement, the Respondents will proceed for further action.

4. In light of that, Writ Petition disposed of. No costs.

[A.I.S.CHEEMA, J.]

asb/MAR16

[S.V. GANGAPURWALA, J.]